

### **REMARKS**

These remarks are in response to the Office Action of March 8, 2007. Claims 9-11, 15, 25-27, and 29 have been cancelled without disclaimer. Claims 1, 3, 5, 13, 16, 17, 18, and 22 have been amended. Claims 1-8, 12-14, 16-24, and 28 remain pending after entry of this amendment. Claims 30-32 have been added. Applicant respectfully requests entry of the present amendment and reconsideration of this application. No new matter has been added.

#### ***Claim Objections***

In the Office Action, Claims 1, 3, 16, and 17 were objected to as allegedly having inconsistent language between the preamble and the body of the claim. Claims 1, 3, and 17 have been amended to include “a building” rather than “the building”, as a building is not being claimed. Claim 16 has been amended to include “a base and a footing” to provide antecedent basis for “outside the channel of the footing.”

Claim 13 is objected to as having an insufficient antecedent basis for “said turnbuckle”. Claim 13 has been amended to include “said bushing” rather than “said turnbuckle”.

In view of the foregoing, Applicant respectfully requests withdrawal of this objection.

#### ***Claim Rejections***

Claims 1-6 and 12-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miyares. Claim 1 recites among other inventive features, “a footing member” and “a base having a first portion engaging the footing member.” Miyares does not disclose a footing or a first portion of the base engaging with the footing member.

Claim 1 recites, in part, “each of said support members defining said supporting assembly extends within a common vertical plane . . . the common vertical plane being substantially parallel to a factory built building being supported.” The Office Action states that Miyares discloses “each of the support members defining the supporting assembly extend within a common vertical plane when the support assembly is vertically positioned to support a beam (30) (Fig. 1).” Office Action, page 4, lines 7-9. Applicant disagrees. While the four stanchions appear to extend into an apex and they can not extend within a common vertical plane of each other. Furthermore, Miyares does not disclose the four stanchions in a common vertical plane

substantially parallel to a building being supported. For at least these reasons, Claim 1 is patentably distinct over Miyares. Claims 2-6 and 12-13 depend from Claim 1 and are patentably distinct over Miyares for at least the same reasons as Claim 1. Applicant respectfully requests withdrawal of this ground for rejection.

Claims 1-5, 12-14, 16-23 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Younes. Claims 1 and 16 are independent claims. Claim 1 recites among other inventive features, "a plurality of support members secured to said base, said support members extending from said base." The Office Action states Younes discloses a plurality of support members (72, 73) secured to the base (59), said support members (72, 73) extending from the base (59). Younes does not disclose element 73 (a bracket) extending from the base (59). For at least these reasons, Claim 1 is patentably distinct over Younes. Claims 2-5 and 12-14 depend from Claim 1 and are patentably distinct over Younes for at least the same reasons as Claim 1. Applicant respectfully requests withdrawal of the rejection.

Claim 16 recites among other inventive features, "the base having a first elongated portion extending into a channel in the footing and a second elongated portion extending at an angle to the first portion and outside the channel of the footing." Younes does not disclose a second elongated portion extending at an angle to the first portion of the base outside the channel of the footing. *See* U.S. Patent No. 5,118,217, Fig. 3, elements 59, 60, 18 reproduce below.

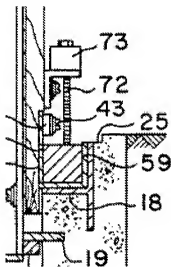


FIG. 3

Furthermore, Claim 16 recites, in part, “a plurality of support members extending from said base, said support members converging toward each other along their length.” As discussed above in reference to Claim 1, Younes does not disclose a plurality of support members extending from the base. There is no support stand. For at least these reasons, Claim 16 is patentably distinct over Younes. Claims 17-23 and 28 depend from Claim 16 and are patentably distinct over Younes for at least the same reasons as Claim 16. Applicant respectfully requests withdrawal of this rejection.

Claims 1, 6, 16 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kimball. Claims 1 and 16 are independent claims. Claim 1 recites among other inventive features, “a footing member” and “a base having a first portion engaging the footing member.” Kimball does not disclose a footing member or a base having a first portion engaging the footing member. In addition, Claim 1 recites “a member operatively secured to said support members for connecting to a portion of a building.” The notch of Kimball is not reasonably a member “operatively secured” to the strut. The notch is a portion cut out of the strut and therefore it is respectfully believed that the noted notch is not operatively secured to the strut. For at least these reasons, Claim 1 is patentably distinct over Kimball. Claim 6 depends from Claim 1, and is patentably distinct over Kimball for at least the same reasons as Claim 1. Applicant respectfully requests withdrawal of this rejection.

Claim 16 recites among other inventive features, “a footing.” As discussed above with respect to Claim 1, Kimball does not disclose a footing. There is no support stand. In addition, Claim 16 recites “the base having a first elongated portion extending into a channel in the footing and a second elongated portion extending at an angle to the first portion and outside the channel of the footing.” Kimball does not disclose a base having a portion extending into a channel in the footing. Nor does Kimball disclose a second elongated portion extending at an angle to the first portion outside the channel of the footing. *Id.* at Fig. 3, elements 24, 26. For at least these reasons, Claim 16 is patentably distinct over Kimball. Claim 23 depends from Claim 16, and is patentably distinct over Kimball for at least the same reasons as Claim 16. Applicant respectfully requests withdrawal of this rejection.

Claims 1, 7-8, 16 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fisher. Claims 1 and 16 are independent claims. Claim 1 recites among other inventive features

“a plurality of support members secured to said base.” The Office Action states Fisher discloses a base (11) having a plurality of support members (1). Office Action, page 9, lines 4-6. Fisher does not disclose a plurality of support members extending from the base. Furthermore, Claim 1 recites, “a member operatively secured to said support members for connecting to a portion of a building.” The Office Action states element “opposite 11” is the member operatively secured to the support members (1). Office Action, page 9, lines 10-11. Element 11 can not function both as a base and a member operatively secured to the liner. Moreover, Fisher does not disclose that element 11 may be connected to a portion of a building. Claim 1 also recites “the common vertical plane being substantially parallel to a factory built building being supported.” Fisher does not disclose a plurality of support members extending from the base in a common vertical plane substantially parallel to a factory built building being supported. For at least these reasons, Claim 1 is patentably distinct over Fisher. Claims 7-8 depend from Claim 1 and are patentably distinct over Fisher for at least the same reasons as Claim 1. Applicant respectfully requests withdrawal of this rejection.

Claim 16 recites among other inventive features “a plurality of support members extending from said base, said support members converging toward each other along their length.” As discussed above in reference to Claim 1, Fisher does not disclose a plurality of support members extending from the base. There is no support stand. Furthermore, Fisher does not disclose that the support members converge toward each other along their length. There is no support stand. Claim 16 also recites “the base having a first elongated portion extending into a channel in the footing and a second elongated portion extending at an angle to the first portion and outside the channel of the footing.” Fisher does not disclose a base having a first portion extending into a channel in the footing. Nor, does Fisher disclose a second elongated portion extending at an angle to the first portion outside the channel of the footing. *See* U.S. Patent No. 4,010,617 Figs. 1, 2, and 5. For at least these reasons, Claim 16 is patentably distinct over Fisher. Claim 24 depends from Claim 16, and is patentably distinct over Fisher for at least the same reasons as Claim 16. Applicant respectfully requests withdrawal of this ground for rejection.

**CONCLUSION**

If the Examiner believes that a telephone conference or a personal interview will be useful to advance the prosecution of this application and/or place the application in condition for allowance, he is invited to contact the undersigned attorney by telephone.

Applicant hereby authorizes the Commissioner to debit or credit our Deposit Account No. 19-0733 for any overpayment or necessary fees, including any necessary extension fees or other fees needed to maintain the pendency of this application.

Respectfully submitted,

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Dated: September 10, 2007